

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-047CP-EXTENSION-TA

THE APPLICATION OF GROVER-CALDWELL INVESTMENTS, LLC, DOING BUSINESS AS SAFE+WAY MEDICAL TRANSPORTATION, FOR TEMPORARY AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 55696.

**COMMISSION ORDER DENYING
TEMPORARY AUTHORITY**

Mailed Date: March 3, 2003
Adopted Date: February 26, 2003

I. BY THE COMMISSION:

A. Statement

1. On January 31, 2003, Grover-Caldwell Investments, LLC, doing business as Safe+Way Medical Transportation (Safe+Way Medical), filed an application for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 55696 to include the transportation of passengers and their baggage, in call-and-demand limousine service, between all points in the Counties of Boulder, Broomfield, Jefferson, and Larimer, State of Colorado. This application is restricted as follows: (1) against providing any transportation service that originates or terminates at Denver International Airport; (2) against the pick-up or drop-off of passengers at Denver International Airport; (3) against providing any transportation service that originates or terminates at any hotel or motel; and (4) against the pick-up or drop-off of passengers at hotels or motels.

2. The Commission gave notice of the application on February 10, 2003.

3. Metro Taxi, Inc., filed an intervention opposing the grant of this application.

4. Pursuant to § 40-6-120(1), C.R.S., the Commission is authorized to grant temporary authority when "there appears to be an immediate and urgent need to any point or within a territory having no carrier service capable of meeting such need."

5. Safe+Way Medical must meet a two-fold test: first, that there is an immediate and urgent need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If Safe+Way Medical fails to meet either test, the application must be denied.

B. Findings of Fact

6. Ken Gloss, the director of Arapahoe County Transportation Services, filed a letter in support of this application. In his letter, Mr. Gloss states "the Board of Arapahoe County Commissioners has an agreement with Safe+Way Medical for specialized transportation service in Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, and Larimer Counties. Arapahoe County would wish that the authority area issued by the Public Utilities Commission match the Arapahoe County service area. Therefore, we ask that Safe+Way Medical Transportation have their area expanded to include all of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson and Larimer Counties." The Commission is aware that Arapahoe County Transportation Service is currently the only broker and administrator for non-emergent medical transportation services for Medicaid clients for the above named counties. Therefore, Arapahoe County Transportation Service is the only entity that may authorize non-emergent medical transportation services for Medicaid clients residing in the above named counties. However, Mr. Gloss does not include any specific circumstances in his letter that indicate any immediate or urgent need exists for the transportation service named in this application.

7. Jai Larman, the executive director of the Villa Manor Care Center in Lakewood, Colorado, also submitted a letter in support of this application. Ms. Laiman states “I am in support of Safe+Way Medical Transportation being able to transport Medicaid residents at Villa Manor. The current transportation provided to Medicaid recipients is not acceptable.” Ms. Laiman’s statements do appear to support the need for an additional carrier to provide service to residents of Villa Manor. However, Ms. Laiman also does not include any specific circumstances in her letter that indicate any immediate or urgent need exists for the transportation service named in this application. To grant a temporary application the Commission is required by § 40-6-120(1), C.R.S., to find that there is an immediate and urgent need for the transportation service named in the temporary authority. The letters filed in support of this application do not provide the necessary information to indicate that an immediate and urgent need exists.

8. Metro Taxi, Inc. filed an Intervention and Entry of Appearance by Right in Opposition to the Temporary Authority Application and Alternative Petition for Permissive Intervention on February 18, 2003. We find Metro Taxi has stated good cause to grant it intervener status in this docket.

C. Conclusions

9. An immediate and urgent need for the requested transportation services has not been shown to exist, and it has not been shown that there is no other carrier capable of providing the service.

10. This application for temporary authority is not in the public interest.

11. The denial of this application creates no presumption about the final disposition of the permanent authority application. The permanent authority application will be determined on the evidence presented using the statutory criteria.

II. ORDER

A. The Commission Orders That:

1. The application for temporary authority filed by Grover-Caldwell Investments, LLC, doing business as Safe+Way Medical Transportation, is denied.

2. The Intervention and Entry of Appearance by Right of Metro Taxi, Inc. is granted.

3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Order.

4. This Order is effective immediately on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
February 26, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 03A-047CP-Extension-TA

Decision No. C03-0222

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I, Bruce N. Smith, Director of the Public Utilities Commission of the State of Colorado, certify that I served a true and correct copy of the above Commission Decision -- entered in the above numbered matter of record -- upon each of the persons whose names and addresses appear below, by mailing the same in sealed envelopes properly addressed, with sufficient postage prepaid to carry the same to its destination to the following:

APPLICANT:

Grover-Caldwell Investments, LLC
dba Safe+Way Medical Transportation
1582 South Parker Road, Suite 308
Aurora, CO 80231

INTERVENOR:

Metro Taxi, Inc.
5909 East 38th Avenue
Denver, CO 80207

INTERVENOR'S ATTORNEY:

Charles M. Williams
CHARLES M. WILLIAMS, P.C.
303 E. 17th Avenue, Suite No. 888
Denver, CO 80203

ROUTE:

6, 60, and all PUC staff, including staff that may be listed as parties, received this decision electronically.

SEAL



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

BRUCE N. SMITH